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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

LADERALL ROGER DAVIS,

Defendant and Appellant.

C087585

(Super. Ct. No. 14F08461)

Appointed counsel for defendant Laderall Roger Davis asked this court to review the record to determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Finding no arguable error that would result in a disposition more favorable to defendant, we affirm the order.

DISCUSSION

On October 19, 2016, defendant pleaded no contest to possession of heroin for sale (Health & Saf. Code, § 11351) and unlawful possession of a firearm (Pen. Code, § 29800, subd. (a)(1)). The crimes were alleged to have been committed on December 29, 2014. He absconded after his plea and was not sentenced on the matter until December 21, 2017.

He received an aggregate prison term of three years eight months, comprised of three years for the drug charge and eight months consecutive for the firearm possession. He was awarded 25 days actual custody credit plus 24 days conduct credit for a total of 49 days presentence custody credits.

Defendant filed his first motion for additional custody credit on February 5, 2018, seeking credit for time spent in custody between December 29, 2014, and March 28, 2015. The trial court denied his request, finding the credits requested had been applied to another case. Defendant filed a second motion repeating his request for these same custody credits on June 11, 2018, which the court denied. Defendant timely appealed the denial of this motion.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the relevant procedural history of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days from the date the opening brief was filed, but to date, has not done so. We find no arguable error that would result in a disposition more favorable to defendant. Consequently, we affirm the order.

DISPOSITION

The order is affirmed.

Duarte, J.

We concur:

Raye, P. J.

Renner, J.